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U.S. Supreme Court Declines to Review Rahman Death Penalty Case

Today the United States Supreme Court refused to review the October 2005 decision of the Tennessee Supreme Court upholding the state's lethal injection protocol. In *Abdur'Rahman v. Bredesen*, the state's highest court had rejected the claim of death row prisoner Abu-Ali Abdur'Rahman that the lethal injection protocol violated the Eighth Amendment because it constituted cruel and unusual punishment. The same claim had been brought recently by death row prisoner Sedley Alley a month prior to the scheduled execution of his sentence on May 17. Alley received a 15-day executive reprieve on May 16 on an unrelated basis.

Abdur'Rahman urged the United States Supreme Court to review the state court decision, insisting Tennessee's protocol does cause unnecessary pain and suffering. But in a summary order issued without comment today, the Court denied Abdur'Rahman's petition, thus upholding the state court decision. "I am gratified by the Supreme Court's refusal to review this case," Attorney General Paul Summers said in reaction to today's order. "It serves to confirm what my office has long argued and what our state supreme court has held: designed as it is to render the condemned inmate almost immediately unconscious, the state's lethal injection protocol does not and can not constitute cruel and unusual punishment." The U.S. Supreme Court case is *Abdur'Rahman v. Bredesen*, No. 05-1036 (U.S.).

In *Abdur'Rahman*, the Tennessee Supreme Court, observing that lethal injection "is commonly thought to be the most humane form of execution," found Tennessee's protocol to be consistent with contemporary standards of decency and consistent with "the overwhelming majority of lethal injection protocols used by other states and the federal government." The court further concluded the protocol did not offend "either society or the inmate by the infliction of unnecessary physical or psychological pain and suffering." The court noted that all of the medical experts who testified in the case agreed that the first of the three drugs administered under the protocol "causes nearly immediate unconsciousness and eventually death."